

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 06-31-2-JJF
	:	
FRANCISCO BARRERA-LOPEZ,	:	
SALVADOR MARTINEZ-TORRES,	:	
and JOSE LUIS BECERRA-YEPEZ,	:	
	:	
Defendants.	:	

**MOTION TO CONTINUE**  
**DEFENDANT MARTINEZ-TORRES' SUPPRESSION HEARING**

Defendant, Salvador Martinez-Torres, by and through his undersigned counsel, Christopher S. Koyste, hereby moves the Court for an order continuing the January 12, 2007 Suppression Hearing so that Mr. Martinez-Torres may undergo a mental health evaluation to determine whether he is competent to proceed. Counsel submits the following in support thereof:

1. Mr. Martinez-Torres was indicted for conspiring with Jose Luis Becerra-Yepey and Francisco Barrera-Lopez to distribute 5 kilograms of cocaine. Mr. Martinez-Torres filed pre-trial motions, and a hearing on the motions is scheduled for January 12, 2007 at 12 p.m.

2. Counsel has met with Mr. Martinez-Torres several times and has noticed a recent and steady deterioration in his mental state. For example, Mr. Martinez-Torres has recently had delusional thoughts. Additionally, on December 8, 2006 Mr. Martinez-Torres was transferred from Salem County Prison to Gander Hill Prison after a situation occurred where Mr. Torres was reported to be both paranoid and delusional.

3. Due to his mental condition, the Federal Public Defender's Office has retained a forensic psychologist, Kirk S. Heilbrun, PHD, to evaluate Mr. Martinez-Torres. Dr. Heilbrun's evaluation should be completed by late January 2007.<sup>1</sup> Thus, the Defense requests a continuance of the suppression hearing.

4. Counsel for the government, Assistant United States Attorney, Edmond Falgowski, does not oppose this request to continue the suppression hearing.

**WHEREFORE**, Mr. Martinez-Torres respectfully requests that the Court grant the Motion to Continue Defendant Martinez-Torres' Suppression Hearing and continue the hearing for at least six weeks, until or after the week of February 5, 2007, if consistent with the Court's calendar.

/s/

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Attorney for Salvadore Martinez-Torres

DATED: December 19, 2006

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<sup>1</sup> While Dr. Heilbrun will be seeing and examining the defendant in the near future, additional time is needed to obtain the defendant's medical records..

**CERTIFICATE OF SERVICE**

Undersigned counsel certifies that this Motion to Suppress Evidence is available for public viewing and downloading and was electronically delivered on December 19, 2006 to:

Edmond Falgowski, Esq.  
Assistant United States Attorney  
1007 Orange Street, Suite 700  
Wilmington, Delaware 19801

\_\_\_\_\_/s/\_\_\_\_\_  
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Attorney for Salvadore Martinez-Torres

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	:	
Defendants.	:	

**ORDER**

In response to the Defense's Motion to Continue Defendant Martinez-Torres' Suppression Hearing, this Court hereby Orders on this \_\_\_\_\_ day of December 2006, that Defendant Martinez-Torres' January 12, 2007 Suppression Hearing is continued to \_\_\_\_\_, 2007 at \_\_\_\_\_.

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The Honorable Joseph J. Farnan, Jr.  
United States District Court Judge

cc: AFPD Christopher Koyste  
AUSA Edmond Falgowski